

SCARING & CARMAN PLLC

ATTORNEYS AT LAW

SUITE 501

666 OLD COUNTRY ROAD

GARDEN CITY, N. Y. 11530-2004

(516) 683-8500

FAX

(516) 683-8410

STEPHEN P. SCARING
SUSAN SCARING CARMAN

MATTHEW W. BRISSENDEN
OF COUNSEL

sscaring@scaringlaw.com
scarman@scaringlaw.com

August 11, 2015

Via Federal Express and ECF

The Honorable Leonard D. Wexler
United States District Court
Eastern District of New York
944 Federal Plaza
Central Islip, New York 11722

Re: United States v. John Murphy, Docket No. 13-CR-0702

Dear Judge Wexler:

This office represents the Defendant John Murphy, who is scheduled to appear before Your Honor on August 18, 2015, for sentencing. On December 23, 2013, Mr. Murphy pled guilty to a one count information charging him with bank fraud in violation of 18 U.S.C. § 1344.

This will supplement our original submission dated January 14, 2015. In particular, we are writing to briefly provide the Court with an update regarding Mr. Murphy's health situation, and to furnish the Court with some additional character letters which we have recently received.

A. Health Update

As the Court is aware, earlier this year Mr. Murphy was diagnosed with prostate cancer. In July, he underwent surgery to remove his prostate, and he is currently recovering from that surgery. A follow up examination is scheduled for September 18, 2015. While Mr. Murphy's prognosis is guardedly optimistic, his doctors recommend regular and ongoing monitoring of his PSA levels.

B. Updated Letters

The new letters that we received are attached hereto as Exhibit A, which includes correspondence from the following individuals:

1. Ryan Dassau (son-in-law and former employee)
2. Henry Jones (proprietor of EZ Auto Rental, Inc.)
3. Jerry Kuklinski (former partner at Oak Rock Financial)

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4. Jim Miller (proprietor of Security Equity Partners)
5. Randy Frazier (proprietor of River Acceptance, LLC)

We note that the attached letters are all from either clients or former employees of Oak Rock. These new letters are consistent with the many letters which this Court has already reviewed, in that they emphasize John Murphy's fundamental decency, and his devotion to his clients. Again, they emphasize that his bad decisions were not motivated by greed, but by a misguided desire to "protect" both Oak Rock and its clients. As Henry Jones, a former Oak Rock client reflects:

I believe John's current problems stemmed from continuing to help his associates, associates like me, stay in business. When cash flow became dire for me, I could count on John. But I could also tell it was hard for John to say "No."

Likewise, Jerry Kuklinski an employee and part owner of Oak Rock, who lost money when the company collapsed, writes:

John is a good man, loving husband, father and grandfather. Never selfish, always willing to help friends. He did a bad thing . . . Not to make him wealthy, but to try to keep running his clients businesses in the financial crisis.

His bad business decision hit hard his family and friends. I am between them. In the age of 61 my financial situation and retirement plans are broken. Even under such dire circumstances I feel an internal obligation to write to Your Honor about John. He is not a criminal, only a good man who made a very costly mistake.

In short, Mr. Murphy harbored an honest belief that he could save Oak Rock if the company could only make it through the recession. While he was ultimately wrong, his belief was not irrational. Indeed, even after his fraud was discovered and the company collapsed, significant assets and performing loans remained.¹

In conclusion, we thank the Court once again for reviewing the attached materials in support of Mr. Murphy's request for a non-Guidelines sentence.

Respectfully submitted,


Stephen P. Scaring

/mag

/cc: AUSA Michael Canty

Probation Officer Michael Dorra

¹ Over \$65 million in "good" receivables has been collected and placed in escrow to date.

EXHIBIT A

June 25, 2015

Ryan Dassau
P.O. Box 631
Nesconset, NY 11767

The Honorable Judge Leonard D. Wexler
Eastern District Court of New York
100 Federal Plaza, Room 940
Central Islip, NY 11722

Dear Judge Wexler,

I have known John P. Murphy for over ten years on both a professional and personal level. I was honored when he graciously gave me his blessing to marry his youngest daughter in 2006 and excited when he offered me a job in 2007. In April of 2013 my life, as well as the lives of my wife and two young sons were forever altered when the events unfolded leading to John's resignation from Oak Rock Financial and eventual criminal conviction. With over two years having now gone by and despite my family's financial future uncertain at best, I have been able to put feelings of anger and resentment behind me and come to realize that John had the best of intentions in preserving not just his interests, but the interests of many others that relied upon him as well. Despite all of the trying times we've endured and continue to endure, I still feel the need to write this letter and convey to you that John is a good and decent man. This is not a man overcome by greed or power; this is a man that made a terrible mistake in a desperate time.

One mistake should not define a man. Instead, the hope is that a man be judged on the entirety of both his failings and accomplishments, his shortcomings and virtues alike. Due to a grave error in judgement, my father-in-law made a life-changing mistake, one I know he regrets each day. His failings are now well-documented and cannot be undone, but this should not be what solely defines him. Instead, the hope is that his accomplishments in life, of which there are many, can carry some weight as well in efforts to determine the true character of this man.

Character can be measured in a variety of ways. It would be remiss of me to merely write about John in terms of being a man that served his country in the U.S. Army before going on to become a devoted husband, loving father and proud grandfather. He is all of these things without question, but stating these facts would result in this correspondence falling short of accurately and fully demonstrating who John is as a person. Instead, I offer three short, seemingly incidental, anecdotes that stood out to me, which I believe help to further define the man of value and integrity that John truly is:

A neighbor recently spoke of an instance years ago, when many neighbors opted to dispose of their grass clippings and shrub trimmings in a nearby vacant wooded lot. Evidently, these folks didn't see the harm in easing their yardwork duties by undertaking in this time saving endeavor. When the neighbor asked John, who always took great pride in caring for his modest yard himself despite the hours of labor involved, John simply stated it was against the rules. Something view as ostensibly harmless by others was viewed by John as the wrong thing to do. Though he did not pass judgment on those that chose the easier path, John remained true to his own value of honesty.

A mutual acquaintance recalled another past instance further demonstrating John's character. Apparently some individuals were attempting to sell bootleg copies of unreleased movies at a nearby convenience store. When made aware of this, John immediately warned family and neighbors alike – give not a thought to purchasing such items. John simply yet sternly advised it was the wrong thing to do and against

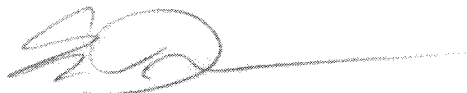
Ryan Dassau
P.O. Box 631
Nesconset, NY 11767

the law. Something seemingly inconsequential to others was easily defined by John – doing what’s right is what matters most, no matter how small the action may appear.

Lastly, on the afternoon following the adjournment of his sentencing hearing, rather than worry about his own troubles, John instead chose to take time and speak at great length to a distraught person calling about problems with a loved one’s issues with addiction. For many years, John has been committed to actively participating in the Narranon program by helping families stricken with crippling addiction problems. On one of the worst days of his own life, John opted to help a complete stranger reaching out for help. His selflessness and compassion for others remains strong even in the face of incomprehensible adversity.

Albert Einstein once said, “Try not to become a man of success, but rather try to become a man of value.” At one critical juncture in his life, John unfortunately lost sight of being a man of value rather than of success. I ask that you not let this be his defining moment. I write to you today in hopes of conveying the fact that, despite this costly transgression, John’s values still resonate to those he holds most dear to him each and every day. In the words of Henry David Thoreau, “Goodness is the only investment that never fails.” At his core, John’s goodness – the definitive trait that shapes his character – is what defines both the successes and failures in his life.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'RD' followed by a long horizontal line.

Ryan Dassau

E Z Auto Rental, Inc
9930 Jefferson Avenue
Newport News, Va. 23605
757-596-4400 757-594-0908 Fax

July 10, 2015

The Honorable Judge Leonard D. Wexler
Eastern District Court of New York
100 Federal Plaza
Room 940
Central Islip, NY 11722

Good morning your Honor.

I am writing you today on behalf of John Murphy. It is with pride that I am able to tell of John's wisdom and caring he showed for both my company and myself personally over the past many years. I hope my words can show you the true side of the John Murphy that I know.

We began a relationship with Oak Rock Financial in February of 2005. At my inquiry through a mutual associate, John Murphy looked at my company and was able to see potential. He drafted an agreement that allowed us to grow from a modest lender into one of the largest independents in south eastern Virginia.

John Murphy was also the best resource for business advice I have had in my 40+ year career. He was always able to see a different side of obstacles, and helpful in finding resolution. He made me realize many of my "old school practices" were no longer valid, and had ideas that allowed me to increase customer satisfaction, increase productivity, and realize our full potential. I have told many people for years John Murphy is the smartest man I have ever known.

But I also counted on John as a friend. Our discussions were not always business. Our ages are close, and we both became Grandparents around the same time. So we do have many things in common. I guess because of these similarities, John was always a great listener that helped me through many trying times.

E Z Auto Rental, Inc
9930 Jefferson Avenue
Newport News, Va. 23605
757-596-4400 757-594-0908 Fax

As the Great Recession began to take a toll on our business, I could count on John for his support, both morally as well as financially. As businessmen, we all have relationships with our employees and associates. I believe John's current problems stemmed from continuing to help his associates, associates like me, stay in business. When cash flow became dire for me, I could count on John. But I could also tell it was hard for John to say "No". I believe John knew that the value of the receivables Oak Rock Financial possessed as collateral was only as good as the businesses that were actively collecting them. Keeping my business solvent mutually served Oak Rock Financials best interests as well.

Thank you for the time you took to read this letter, your Honor. I can only hope it may help you understand the man John Murphy really is. I believe most of John's problem was created by helping people like me. Please show mercy in your judgment.



Henry Jones
EZ Auto Rental Inc., President

Jerry Kuklinski

8 Lavern Drive
Middle Island, NY 11953

July 8, 2015

The Honorable Judge
Leonard D. Wexler
Eastern District Court of New York
100 Federal Plaza, Room 940
Central Islip, NY

Re: John P. Murphy

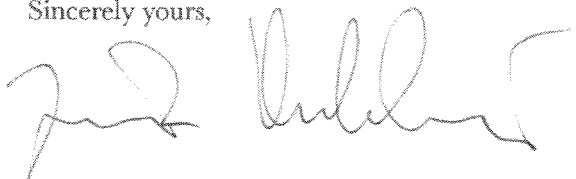
Your Honor,

I know John Murphy for more than two decades. We met in New York City at Sterling National Bank. There I was working for John for over seven years. During that time he always impressed me with professionalism in running business and at the same time with respect to coworkers. Later we became friends and finally partners. I joined him when he opened the new business - Oak Rock Financial.

John is a good man, loving husband, father and grandfather. Never selfish, always willing to help friends. He did a bad thing... Not to make him wealthy, but to try keep running his clients businesses in the financial crisis.

His bad business decisions hit hard his family and friends. I am between them. In the age of 61 my financial situation and retirement plans are broken. Even under such dire circumstances I feel an internal obligation to write to Your Honor about John. He is not a criminal, only a good man who made a very costly mistake.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Jerry Kuklinski', with a stylized, flowing script.

Jerry Kuklinski



July 7, 15

HONORABLE JUDGE LEONARD WEXLER
EASTERN DISTRICT COURT
100 FEDERAL PLAZA
ROOM 940
CENTRAL ISLIP, NY 11722

To Whom it may concern.

I have known John Murphy for over 27 years. His business relationship with me was as a lender to my company. John was always fair in his dealing with me and my company.

John Murphy helped over the years that I have known him, quite a few start-up companies get off the ground. Some, became quite successful. I believe that without John's help these companies would not be where they are at today.

Over the years I have gotten to know John very well. He helped me to launch my company, when the banks that I contacted said no. I hope that the court will take into consideration all the good things he has done for companies like mine.

Regards,
Jim Miller

Security Equity Partners, LLC
452 N McLean Blvd Elgin, IL 60123 | 888.501.5612 Office | 630.429.9270 Fax
www.sepfunding.com



River Acceptance LLC

Randy Frazier

June 30, 2015

The Presiding Judge Leonard D. Wexler
Eastern District Court of New York
100 Federal Plaza, Room 940
Central Islip, NY 11722

Re: Character reference for John Murphy

Your Honour,

I provide this reference in full knowledge of John Murphy's recent criminal conviction.

I have known John for the previous sixteen years. I am a small business owner in Roanoke, VA. I have had business interactions through phone calls and personal meetings with John over these years. During this time, John was the chief executive officer of Oak Rock Financial. I got to know John as a hardworking, dedicated businessman and family man. Through our frequent communications, I have always found John to be a man of integrity and honesty. This charge against him strikes me as a completely uncharacteristic aberration, and one which I believe he sincerely and completely regrets.

If you wish for me to confirm any of the above, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Frazier", with a long, sweeping flourish extending to the right.

Randy Frazier
540.314.5890